



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: 29 August 2005  
EXPIRATION DATE: 28 September 2005  
REFERENCE NUMBER: POA-2000-300-M  
WATERWAY NAME: Cold Bay

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Aleutians East Borough, 3380 C Street, Suite 205, Anchorage, Alaska 99503-3952. Point of Contact: Robert S. Juettner, Borough Administrator, (907) 274-7555.

LOCATION: The project is located near the cities of King Cove and Cold Bay within the Aleutians East Borough on the eastern side of the Alaska Peninsula in Township 58 south, Range 87 west, Seward Meridian. Point for reference within construction Segment 3A (55.1735°N, 162.4930°W), near Tal Point.

WORK: Request for a modification to realign 5,500 linear feet of the access road along the shoreline of Cold Bay, for the King Cove Access Project.

PURPOSE: Purpose of the realignment is to resolve safety and construction concerns associated with a steep talus slope near road mile 11.2.

MITIGATION: The applicant has proposed the same mitigation measures as applicable to the existing and constructed road segments. An increase of 1.7 acres will be noted for a proposed compensatory mitigation total of 13.6 acres.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation (ADEC). For reference, previous ADEC Certificate of Reasonable Assurance for the original project, with conditions, was issued on November 10, 2003.

ADDITIONAL INFORMATION: Reference, 2-2000-0300 (Cold Bay 12).

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program (ACMP). A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification. For

reference, previous ACMP Final Consistency Determination, with enforceable policies/conditions for the original project, was completed on November 4, 2003.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. Also reviewed was the report authored by Herbert Maschner "Report of Cultural Resources Investigations for the King Cove-Cold Bay Project", dated 20 October 2003. Thirteen properties were identified in the vicinity of the worksite. These properties were avoided by project realignment and fencing to avoid any potential impacts. Consultation of the AHRS and Maschner's report constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of any other such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: The project area is within the known or historic range of the Steller's eider, *Polysticta stelleri* and Steller sea lion, *Eumetopias jubatus*. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS). We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.



SPECIAL AREA DESIGNATION: The project is located within the external boundaries of the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge. Mitigation measures were included in the compatibility determination on November 17, 2003, for the original project.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Medrick Northrop at (907) 753-2724, toll free from within Alaska at (800) 478-2712, or by email at [regpagemaster@poa02.usace.army.mil](mailto:regpagemaster@poa02.usace.army.mil) if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

reference, previous ACMP Final Consistency Determination, with enforceable policies/conditions for the original project, was completed on November 4, 2003.

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A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

August 5, 2005

Department of the Army  
Corps of Engineers  
Regulatory Section

Re: **Modification to Permit Number 2-2000-0300 (Cold Bay 12)**

Mr. Northrop:

Aleutians East Borough (AEB) requests a modification to DA Permit Number 2-2000-0300 (Cold Bay 12) for the King Cove Access Project. The requested modification consists of realignment of a portion of the road from Barney Creek to Tal Point. Details of the road realignment are illustrated in the attached design sheets "*Segment 3A – Barney Creek to Tal Point (100% Submittal)*" prepared by AEB's project design-build contractor team (PND Inc. and SKW/Eskimos, Inc.; "Contractor") and are described further in this transmittal. Additional technical documentation supporting this request is attached.

A drivable roadway is nearly complete on more than one-half of the total road distance and only a final surface course of crushed rock remaining to complete the earthwork in these portions. The design-build contractor has voluntarily halted road construction in the affected area in order to avoid any damage to vegetation and soils that would be unnecessary by the proposed road realignment (Figure 1).

#### **Purpose and Need for Modification**

This proposed modification to the current, permitted design will resolve significant safety and constructibility constraints to building a road across a steep talus slope near road mile 11.2 by realigning the road to avoid the area. This realignment leads to placing approximately 5,500 lineal feet of the access road along the shoreline of Cold Bay where it will join a previously permitted 8,000 lineal foot long section of shoreline road with virtually identical characteristics and impacts.

This action is needed to complete the final road design and construction, which has been underway for the past year and a half. The realignment will involve changes in the amounts of fill that would be placed into waters of the U.S. including wetlands and intertidal beaches and will reduce the number of flowing drainages crossed by the road.

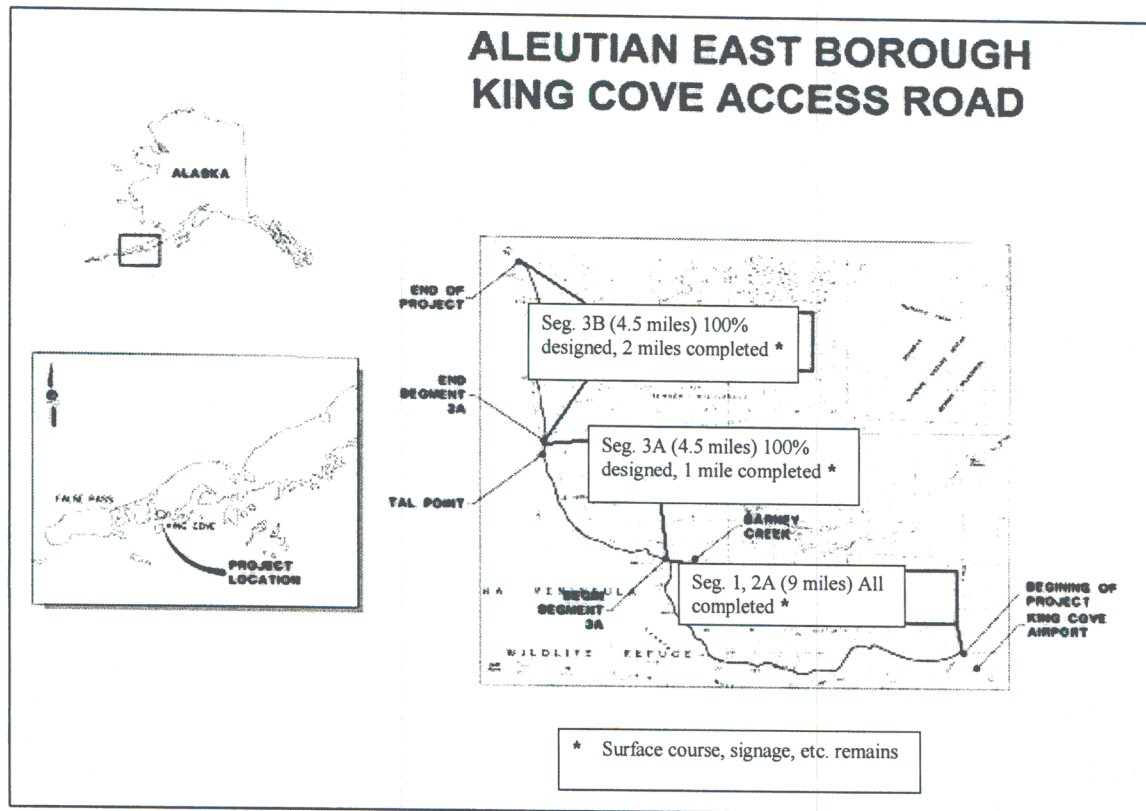
#### **Background**

The current, permitted road design in the requested modification area crosses Barney Creek at approximate road mile 8.5, climbs out of the valley and follows a side slope over undulating terrain ranging between 140 and 200 feet elevation to about road mile 11.3, then descends over a steep talus slope to the shoreline of Cold Bay. At this point the road alignment follows the shoreline for about 8,000 feet to approximate road mile 13.0 where it ascends a plateau at about 120 feet elevation. Note that the road design (but not the general alignment) along this shoreline section was modified from the original permitted design to rectify safety and maintenance issues identified by the Contractor; the modification was requested and approved in previous permit modification.

POA-2000-300-M  
Aleutians East Borough



Figure 1. King Cove Access Project – Access Road Progress to August 2005.



The descent across the steep talus slope at road mile 11.2 called for in the original road alignment was inspected by the Contractor, including a limited subsurface investigation, in anticipation of developing a specific road design for the area. The Contractor's inspection resulted in significant findings, including:

1. The talus slope is underlain by potentially unstable material consisting of large boulders situated on steep slopes. Any substantial effort to excavate or drill to determine subsurface conditions would, in itself, be very risky.
2. Construction of a road across this area, regardless of the design, could not be performed in a safe manner using conventional heavy equipment due to the steep and potentially unstable slopes. Alternative means of construction in this terrain would be impracticable based on high costs.
3. Although a safe and reliable road design may be possible for the magnitude of the slope (about 2:1), subgrade conditions may not be suitable for constructing a conventional earthen road base in this area. Although a stable road might, in the end, be achievable, the construction activities necessary to get to that end pose the risk of destabilizing the slope.
4. A specialized road base foundation, such as driven piles to create a "bridge" across the area, or excavation of the unsuitable talus material and replacement

with extruded polystyrene (EPS) foundation blocks, was investigated but was determined to be impracticable for these conditions.

5. Development of a design for a specialized road foundation (e.g., bridge piles) across this area would require that a comprehensive subsurface investigation, which itself may require potentially unsafe working conditions as described by the Contractor.

The construction safety issues in this area identified by the Contractor were independently verified by AEB's project geotechnical consultant and also validated by a third-party engineering consultant hired jointly by AEB and the Contractor.

The Contractor has performed extensive on-the-ground inspections of the potential routes to avoid the steep talus slope including areas to the north and south. Due to the predominance of steep slopes and talus to the north, no potential routes were identified (this is the reason for the existing permitted beach section of the road). To the south, similar steep slopes occur for nearly a mile towards the Barney Creek drainage.

### **Description of Modification**

The proposed modification would change the road alignment beginning at about road mile 10.3 (Station 2562+00) to road mile 11.7 (Station 2617+00), where it would rejoin the current, permitted alignment along the shoreline. The details of the road realignment are illustrated in the attached design sheets "*Segment 3A – Barney Creek to Tal Point*" (note this includes portions of the alignment to the north and south that have not changed). Characteristics of the modified alignment include:

1. Avoidance of the steep talus slope at road mile 11.2 and the associated safety, constructability, and cost constraints. The proposed descent to the shoreline at road mile 10.3 follows much gentler slope that does not pose safety or constructability issues.
2. Avoidance of 595 lineal feet of palustrine (freshwater) mountain seep type wetlands crossed by the existing permitted alignment.
3. Avoidance of 1.26 acres of palustrine wetlands crossed by the existing alignment (including 14,948 cubic yards of excavation and 4,428 cubic yards of fill in these wetlands).
4. No additional palustrine wetlands crossed by the alignment as determined by on-the-ground inspection.
5. Avoidance of 35 drainages requiring culvert crossings along the existing alignment. A total of four (4) drainages requiring culverts would be crossed by the modified alignment, three (3) of these would be crossed along the descent to the shoreline, one (1) along the shoreline. None of these drainages along the existing or proposed modified alignment are fish-bearing streams.
6. Increase in the linear distance of roadway along the shoreline of Cold Bay by approximately 5,500 feet (Station 2562+00 to 2617+00).
7. Increase the linear distance of the road fill in marine intertidal beach (below HTL) by approximately 5,500 feet.
8. Increase the area of road fill in marine intertidal beach (below HTL) by 2.4 acres to a project total of 6.1 acres.



9. Increase the volume of road fill in marine intertidal beach (below HTL) by 4,600 cubic yards (based on a typical road cross-section illustrated in Sheet 4 of 12 in Attachment 1).

### **Potential Incremental Impacts of the Proposed Modification**

Comparison of the proposed alignment modification with that of the existing, permitted alignment indicates there are no increases in potential impacts associated with freshwater wetlands or drainages; conversely there would be substantial decreases in the amount of palustrine wetlands and drainages crossed by the modified alignment.

The primary difference between the existing alignment and proposed modification is the increase in shoreline road by 5,500 feet from the approximate 8,000 feet of permitted shoreline road, representing an increase of about 70 percent in linear distance. The potential incremental impacts of this increased shoreline road distance are anticipated to be negligible based on the analysis of intertidal impacts fish and invertebrates described in the project' Environmental Impact Statement (EIS):

1. *Due to the abundance of similar intertidal habitat in the study area, and the low numbers of fish and shellfish impacted, construction of this road segment and the amount of habitat altered is considered minimal and the construction would have negligible impacts on marine fish or invertebrate resources in Cold Bay (DEIS Section 4.2.3, Construction, Common Impacts);*
2. *During construction, non-mobile seashore creatures would be temporarily impacted in the immediate vicinity of the landing ramps and NeCB terminal through short term degradation of nearshore water quality but the ramp area would be recolonized from the same species in the surrounding area that can utilize the modified habitat following the construction period. Indirect effects of construction outside the intertidal footprint, such as turbidity, are likely to occur only during construction and impacts would be ameliorated through timing of construction activity to coincide with tide-cycles to avoid operation of equipment in marine waters (DEIS Section 4.2.3, Construction, Alternative 1).*
3. *Overall, construction of the road segments and terminal ramps under this alternative would cause temporary minor impacts to marine fish and invertebrate habitats in the project area and negligible impacts to their habitats and populations in the study area (DEIS Section 4.2.3, Construction, Alternative 1).*
4. *With mitigation measures (MM-1 through 4, Table 2-1, page 35) in place to prevent roadside erosion, sedimentation, and sloughing along streambeds and the armor stone road section, no direct effects on marine fish and invertebrates are expected. Increases in harvest of prized species such as crab and fish may increase in some areas, but due to the low population of residents likely to use the road and abundance of marine life in Cold Bay, this impact is likely to be negligible to marine fish and invertebrate populations in Cold Bay (DEIS Section 4.2.3, Operation, Common Impacts).*
5. *The overall impact to fish and invertebrate populations under this operating alternative would be negligible (DEIS Section 4.2.3, Operation, Alternative 1).*
6. *There are no projected damaging effects to flatfish EFH under this alternative (DEIS Section 4.2.5 Essential Fish Habitat, Construction, Flatfish Assemblage, Alternative 1).*

7. *Construction of all coastal and intertidal components associated with this alternative would not adversely affect Pollock EFH (DEIS Section 4.2.5, Construction, Walleye pollock, Alternative 1).*
8. *No effects are anticipated (DEIS Section 4.2.5, Construction, Atka mackerel, Alternative 1).*
9. *No effect on Pacific cod is anticipated (DEIS Section 4.2.5, Construction, Pacific cod, Alternative 1).*
10. *The beach sections of the road segments under this alternative would result in a loss of habitat this is likely used by one or more sculpin species. The armor rock fringing the beach segments could provide additional habitat if niches are available, thus offsetting the loss of habitat (DEIS Section 4.2.5, Construction, Sculpins, Alternative 1).*

Extension of these analyses of potential project impacts for an additional 5,500 feet of shoreline road supports the position that the incremental impacts would be negligible in comparison to those determined for the existing, permitted road alignment.

#### **Mitigation of Construction Impacts**

The proposed road realignment segment would be constructed using the same mitigation measures described in the Project Mitigation Plans and applied to the existing road segments. Specific mitigation measures for shoreline road construction include, among others:

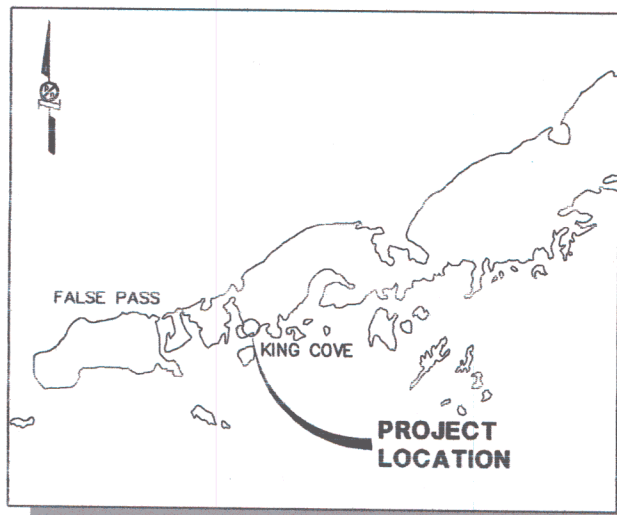
1. Construction activity below the high tide line (HTL) will be performed during periods when the areas are dewatered by the receding tide; no in-water placement of material or operation of equipment will be performed.
2. Installation of erosion and sedimentation controls such as silt fencing in appropriate areas.
3. Construction activity will avoid disturbance of marine mammals, shorebirds, and other wildlife, and will be halted if a threatened or endangered species is present in the area.
4. Fueling operations will be conducted according to the Project Fuel Handling and Spill Response Plan.

All other mitigation measures identified in the Final EIS and those stipulated in Project permits and authorizations will apply during shoreline construction.

#### **Revised Compensatory Mitigation Proposal**

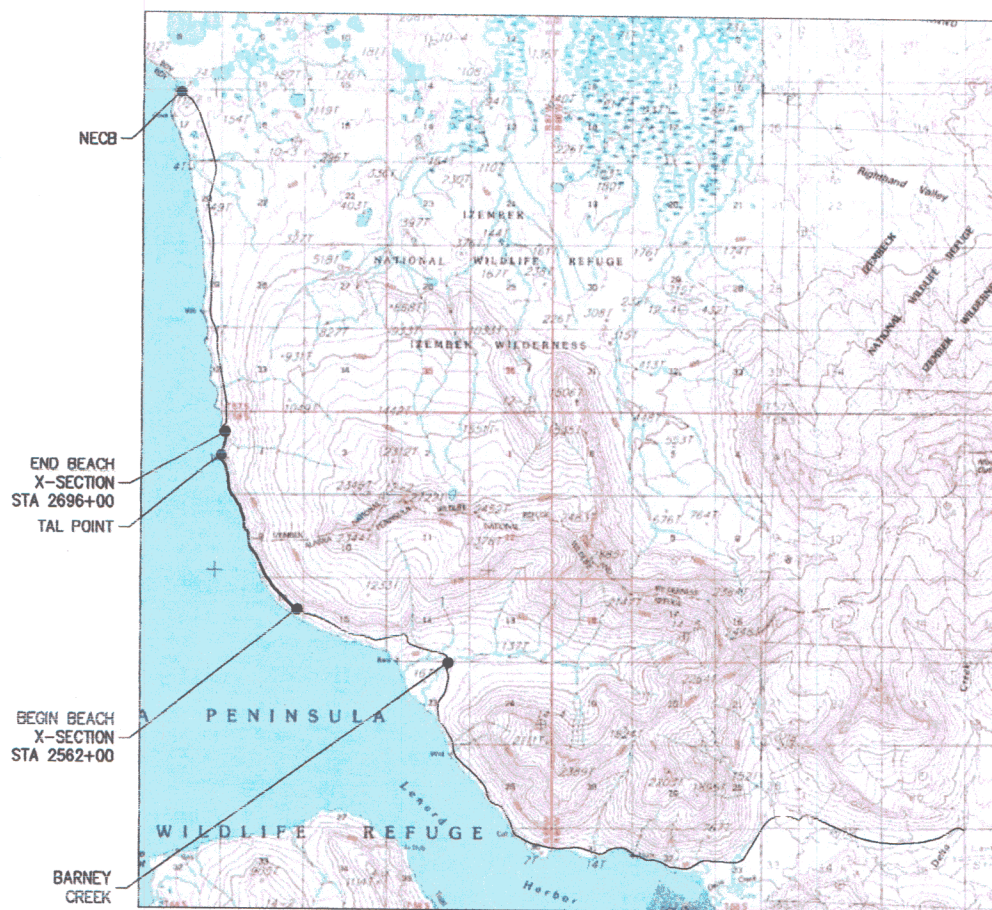
The proposed realignment described in this modification request results in changes to the types and amounts of freshwater wetlands and marine habitats impacted by the road construction. AEB's compensatory mitigation proposal is based on the functional replacement of wetlands and other waters impacted by the Project. A revised compensatory mitigation acreage value was calculated using the proposed realignment acreages of wetlands and other waters (revised spreadsheet attached). The revised compensatory mitigation proposal based on the road realignment requested in this modification is 13.6 acres. This is an increase of 1.7 acres over the original compensatory mitigation acreage proposed by AEB.





#### PERMIT MODIFICATION

LOCATION: T58S R87W  
SEWARD MERIDIAN, AK  
WATER BODY: COLD BAY  
HTL: 8.2  
MHW: 6.9  
AREA BELOW HTL: 6.1 ACRES  
FILL BELOW HTL: 40,000 CY



#### VICINITY MAP

NOT TO SCALE

**PND**  
Incorporated  
CONSULTING  
ENGINEERS

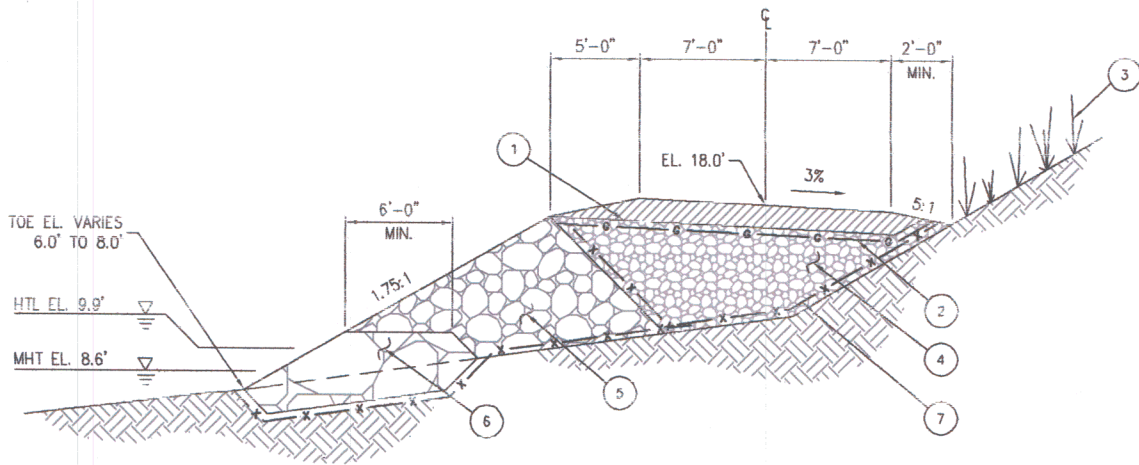
811 First Avenue, Suite 370  
Seattle, Washington 98104  
Phone: (206) 624-1387  
Fax: (206) 624-1388  
E-Mail: mail@pndsc.com

PERATROVICH, NOTTINGHAM, AND DRAGE, INC.  
(PND) IS NOT RESPONSIBLE FOR SAFETY  
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WITHOUT WRITTEN APPROVAL FROM PND.  
DRAWINGS ARE ALSO NOT TO BE USED IN  
ANY MANNER THAT WOULD CONSTITUTE A  
DETIMENT DIRECTLY OR INDIRECTLY TO PND.

PROJECT:  
**ALEUTIAN EAST BOROUGH  
KING COVE ROAD**

DESIGNED BY:	CW
DRAWN BY:	GRD
CHECKED BY:	
PROJECT NO:	044029.01
DATE:	AUGUST 2005
SCALE:	NTS
SHEET NO:	

POA-2000-300-M  
Aleutians East Borough



### TYPICAL SECTION STA 2562+00 TO STA 2696+00

- ① - 1'-6" TOTAL THICKNESS - 6" CRUSHED AND 12" SUB BASE.
- ② - NON-WOVEN GEOTEXTILE FOR DRAINAGE AND SEPARATION.
- ③ - VEGETATED SLOPES NOT TO BE DISTURBED.
- ④ - COARSE DRAIN ROCK WITH THE FOLLOWING GRADATION OR AS APPROVED BY ENGINEER:

SIEVE SIZE	PERCENT PASSING
12"	100
3"	40 MAX.
3/4"	15 MAX.

- ⑤ - WELL GRADED ROCK ARMOR FROM TAL POINT  
D<sub>50</sub> APPROXIMATELY 1800 LBS. MIN.
- ⑥ - SPECIAL TOE PLACEMENT LARGE ROCK 30"-48" NOMINAL  
DIAMETER KEYED INTO GROUND AS DIRECTED BY ENGINEER,  
MINIMUM LAYER THICKNESS 6' TOTAL.
- ⑦ - WOVEN GEOTEXTILE, PROPEX 2004, MAY BE ELIMINATED  
IF SUBGRADE D<sub>50</sub> > 8".

**NOTE:**  
ALL ELEVATIONS BASED ON PROJECT  
DATUM. SUBTRACT 1.7 FEET FROM  
PROJECT DATUM TO OBTAIN ELEVATION  
IN MLLW DATUM.

**PND**  
Incorporated  
CONSULTING  
ENGINEERS

811 First Avenue, Suite 570  
Seattle, Washington 98104  
Phone: (206) 624-1387  
Fax: (206) 624-1388  
E-Mail: mail@pndsea.com

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PROJECT:

**ALEUTIAN EAST BURROUGH  
KING COVE ROAD**

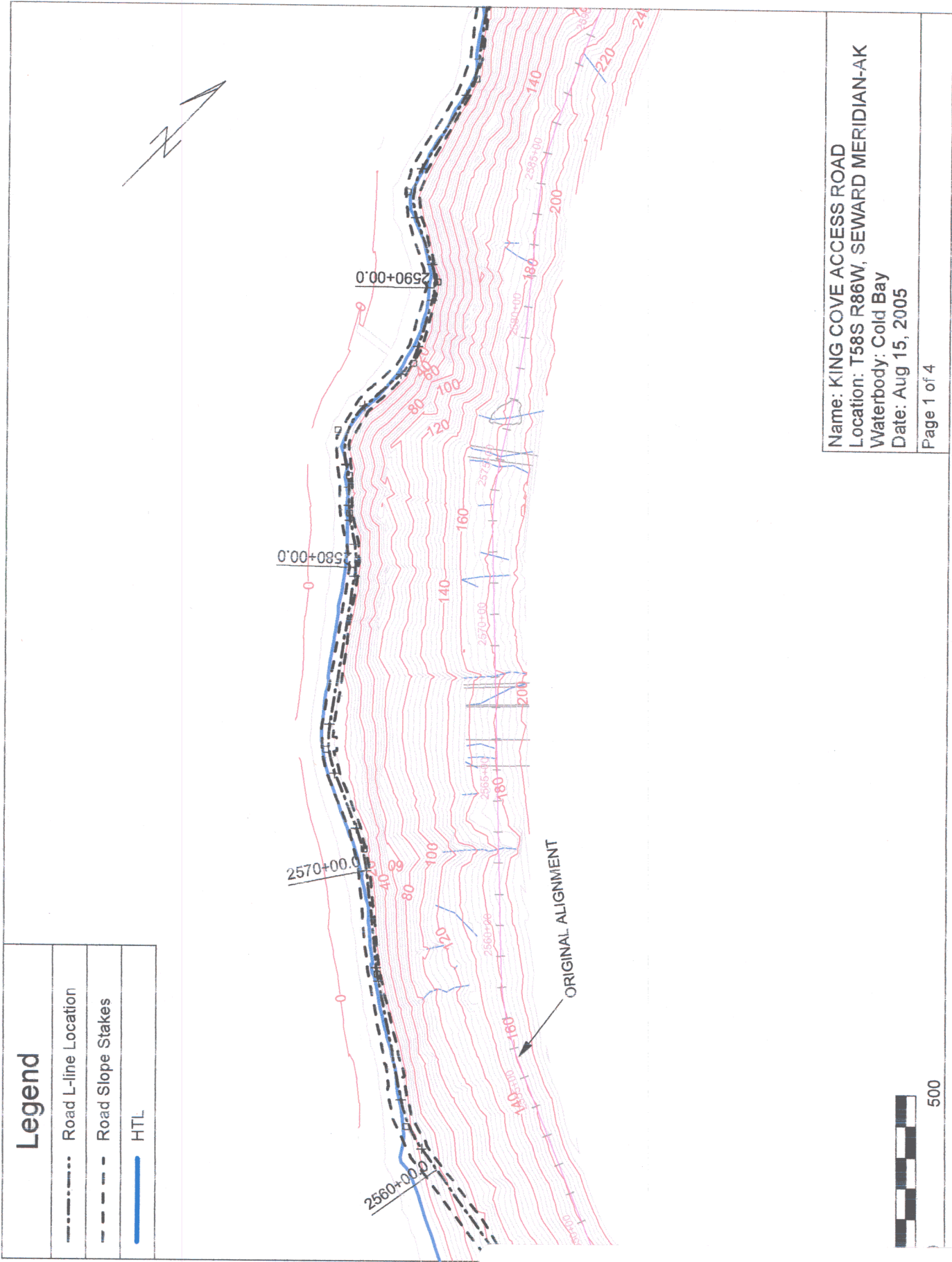
TITLE:

POA-2000-300-M  
Aleutians East Borough

DESIGNED BY: CW  
DRAWN BY: GRD  
CHECKED BY:  
PROJECT NO: 044029.01  
DATE: AUGUST 2005  
SCALE: NTS

8/7/05 drawings 2004 044029.01 King Cove Access Road Permit 044029.01-02.dwg





Name: KING COVE ACCESS ROAD  
 Location: T58S R86W, SEWARD MERIDIAN-AK  
 Waterbody: Cold Bay  
 Date: Aug 15, 2005

POA-2000-300-M  
 Aleutians East Borough

# Legend

--- Road L-line Location

--- Road Slope Stakes

— HTL



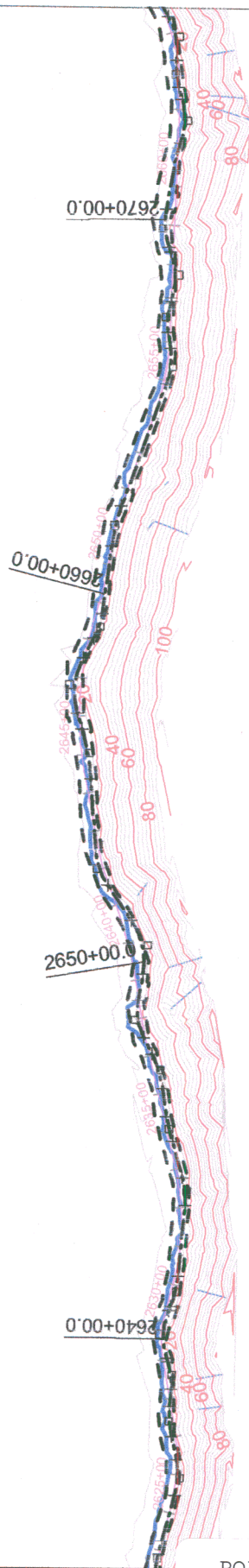
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Page 2 of 4

POA-2000-300-M  
 Aleutians East Borough

Legend	
---	Road L-line Location
---	Road Slope Stakes
—	HTL






500

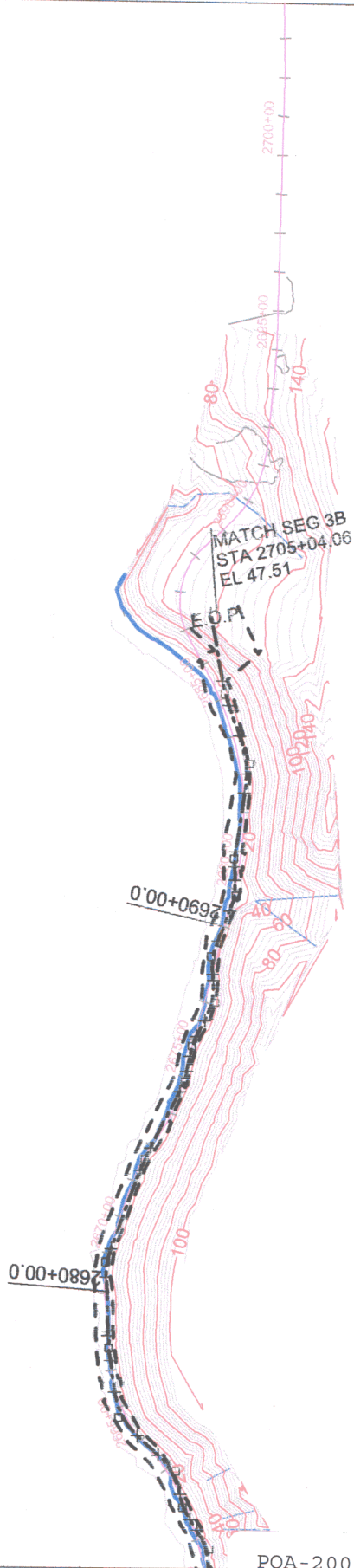
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Page 3 of 4

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Legend	
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	Road Slope Stakes
	HTL



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Page 4 of 4

POA-2000-300-M  
 Aleutians East Borough

8/26/05

Page 11 of 11

FRANK H. MURKOWSKI,  
GOVERNOR

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

ALASKA COASTAL ZONE MANAGEMENT  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 1660  
ANCHORAGE, ALASKA 99501-3568

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2000-300-M, Cold Bay**, comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

# STATE OF ALASKA

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## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2000-300-M, Cold Bay,** State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-6281  
FAX: (907) 269-7508